

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JODI K. HIRTZINGER,	:	
Plaintiff,	:	Case No. 3:13cv00351
vs.	:	District Judge Walter Herbert Rice
		Chief Magistrate Judge Sharon L. Ovington
CAROLYN W. COLVIN,	:	
Acting Commissioner of the Social	:	
Security Administration,	:	
Defendant.	:	

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**REPORT AND RECOMMENDATIONS<sup>1</sup>**

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This case is before the Court upon the parties' Joint Motion For Remand. (Doc. #14). In light of the parties' agreement, the Court finds that an Order entering judgment in Plaintiff's favor and against Defendant, and remanding this matter to the Social Security Administration under sentence four of 42 U.S.C. §405(g) for further administrative proceedings, is warranted.

On remand, the Appeals Council will remand the matter to an administrative law judge for a new hearing and a new decision to: (1) evaluate and discuss the opinions of the State agency psychological consultants; (2) reevaluate the opinion of Shelley Lopez,

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<sup>1</sup> Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendations.

M.S.; (3) further assess Plaintiff's residual functional capacity if necessary; (4) consider all of Plaintiff's impairments in determining what severe impairments Plaintiff may have and in determining Plaintiff's residual functional capacity; and (5) if warranted under the expanded record, obtain supplemental evidence from a vocational expert to clarify the effects of the assessed limitations on the occupational base.

**IT IS THEREFORE RECOMMENDED THAT:**

1. The parties' Joint Motion For Remand (Doc. #14) be GRANTED;
2. The Clerk of Court be directed to enter Judgment in favor of Plaintiff and against Defendant reversing Defendant's final decision and remanding this matter to the Social Security Administration pursuant to sentence four of 42 U.S.C. §405(g) for further proceedings consistent with an Order adopting this Report and Recommendations; and
3. The case be terminated on the docket of this Court.

August 7, 2014

s/Sharon L. Ovington  
Sharon L. Ovington  
Chief United States Magistrate Judge

### NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to **SEVENTEEN** days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).